

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES NICOLAS FREEMAN,)	
)	
Petitioner,)	Civil Action No. 12-155
)	Judge Cathy Bissoon
v.)	Magistrate Judge Mitchell
)	
JOHN W. KERESTES, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

James Nicolas Freeman (“Petitioner”) is a state prisoner who brings the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 9, 2012, this Court received the instant petition, along with a brief in support thereof. (Docs. 1 and 2). Respondents filed an answer on March 9, 2012 (Doc. 8), to which Petitioner filed a reply brief on April 9, 2012. (Doc. 9)

This matter was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges. The magistrate judge issued a report and recommendation on April 16, 2012, recommending that this petition be dismissed, and a certificate of appealability be denied. (Doc. 10 at 11). Petitioner timely filed objections to the report on April 30, 2012. (Doc. 11).

After *de novo* review of the pleadings and documents in the case, together with the report and recommendation (Doc. 10), and Petitioner’s objections thereto (Doc. 11), the following ORDER is entered:

AND NOW, this 9th day of May, 2012,

IT IS HEREBY ORDERED that Petitioner's petition for writ of habeas corpus (Doc. 1) is DISMISSED, with prejudice.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

IT IS FURTHER ORDERED that the magistrate judge's report and recommendation (Doc. 10) is adopted as the opinion of this Court.

BY THE COURT:

s/Cathy Bissoon
CATHY BISSOON
UNITED STATES DISTRICT JUDGE

cc:

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